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6 IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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SCOTT BRYNING,

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Plaintiff,

No. C 07-05741 JSW

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v.

**ORDER RE NOTICE OF
VOLUNTARY DISMISSAL**

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BEST BUY, CO. INC.,

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Defendant.

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On June 14, 2008, Plaintiff filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1). Pursuant to Rule 41, a plaintiff may dismiss an action without a court order, “by filing (i) a notice of dismissal *before* the opposing party serves *either* an answer or a motion for summary judgment; or (ii) by a stipulation of dismissal signed by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1). “Except as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(1). Defendants have filed an answer. Therefore, this matter may be dismissed only upon stipulation or by Court Order. Plaintiff shall either submit a stipulation of dismissal or a formal request to dismiss this matter.

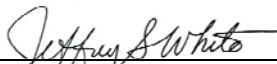
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IT IS SO ORDERED.

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Dated: June 16, 2008

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JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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